

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>LIESL NICHOLS,</b>	:	<b>CIVIL ACTION NO. 1:15-CV-273</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>MARK WHITTEN, M.D.;</b>	:	
<b>WHITTENLASEREYE, LLC</b>	:	
<b>t/d/b/a TLC WHITTEN LASER</b>	:	
<b>EYE ASSOCIATES, LLC; and</b>	:	
<b>TLC VISION CENTERS, INC.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 16th day of December, 2015, upon consideration of the motion (Doc. 40) to dismiss filed by defendant TLC Vision Centers, Inc., and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The motion (Doc. 40) to dismiss is GRANTED without prejudice.
2. Within thirty (30) days of the date of this order, plaintiff Liesl Nichols (“Nichols”) may file a second amended complaint to address the deficiencies set forth in the court’s memorandum.
3. If Nichols fails to comply with the preceding paragraph, the amended complaint shall be dismissed with prejudice and the Clerk of Court will be directed to close this case. Given the non-waivable nature of the statute of repose, such dismissal shall be with prejudice as to all defendants and all counts in the amended complaint.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania